

PATENT

Docket No. RSW920000052US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR: David A. Selby
APPLICATION NO. 09/628,400
FILED: August 1, 2000

Examiner: R. Porter

Art. Title: **RECEIVED**

JUN 29 2005

**BOARD OF PATENT APPEALS
AND INTERFERENCES**

**TITLE: METHOD AND SYSTEM FOR PREDICTION OF
MATERIALIZATION OF A RESERVED PURCHASE**

CERTIFICATE OF MAIL

I hereby certify that this paper is being deposited with the U.S. Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, MAIL STOP APPEAL BRIEF-PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450, Attention: Board of Patent Appeals and Interferences on June 27, 2005.

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Commissioner for Patents
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Attention: Board of Patent Appeals and Interferences

APPELLANT'S REPLY TO EXAMINER'S ANSWER

This Reply is in response to the Examiner's Answer mailed on April 26, 2005.

Applicant believes that no fee is necessary for submission of this Reply; however, if any fee is deemed as being due respecting this Reply, Applicant authorizes such fee to be charged to International Business Machines Corporation's Deposit Account No. 09-0457.

1. RESPONSE TO EXAMINER'S ARGUMENTS

The issues on appeal herein are all really directed to the phrase "past reservation information including information unrelated to said particular perishable commodity." Each of the independent claims (and thus all claims), contain this limitation.

For the purpose of discussion and simplicity, the example discussed herein relates to the booking of airline reservations; however, it is understood that the present invention is not limited to the booking of airline reservations.

The Jung reference cited by the Examiner is also cited by the applicant in the text of the specification as prior art. The Jung reference teaches the analysis of "traffic information" related to a specific flight, e.g., Flight 26 from New York to London, and then applying the results of that analysis to a current pending instance of that same flight. If the historical analysis of Flight 26 indicates that it has a materialization rate of 60%, then, the teachings of Jung would have the carrier overbook Flight 26 to 140% capacity so as to cover the historical tendency of Flight 26 to have only a 60% materialization rate.

The present invention, as claimed, is distinctly different. Rather than relying upon historical information pertaining to the specific flight in question, and rather than relying merely on the "traffic information" discussed in Jung, the present invention looks at reservation information (defined in the specification as including commodity details, demographic information, and/or POS (point of sale) information relating to past or current reservations for perishable commodities such as airline tickets) for all past flights, both for Flight 26 ("system-wide reservation information relating to past reservations for perishable commodities that have already perished") and for flights other than Flight 26 ("including information unrelated to said particular perishable commodity").

By analyzing reservation information pertaining to all reservations, not just those of Flight 26, a user of the present invention obtains historical tendencies regarding materialization for the particular type of customer making the reservation, not merely the history of a particular flight. The term “reservation information” is clearly defined in the specification as including this information that is not focused specifically on a particular flight, but is instead focused on demographic information of the purchasers, point of sale information which may include additional information such as income level, and the like. The information is taken not only from data pertaining to a particular flight, but also data unrelated to that particular flight. The claims expressly state this. Applicant submits that this is an appropriate use of what the Examiner has referred to as a “negative limitation” and clearly makes a distinction between data pertaining to a particular flight and data related to other flights. Once the Examiner properly reads the claim limitations as recited above, it is apparent that the cited references do not teach or suggest the claimed elements.

2. CONCLUSION

For the foregoing reasons and the reasons set forth in all papers of record, Applicants respectfully request this Board to overrule the Examiner's rejections and allow claims 1-26.

Respectfully submitted:

6/27/05
Date



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